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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,465	10/20/2003	Reuben Clark	033680-001	4146
826	7590	04/07/2006	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			GUSHI, ROSS N	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,465

Applicant(s)

CLARK ET AL.

Examiner

Ross N. Gushi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/3/06
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 11-23, 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 11-23, 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 11-13, 17, 18-22, 24, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mooney et al. ("Mooney") in view of Reichman, Churla, and Meinhardt.

Regarding claims 9, 11, and 12 Mooney discloses a clamping apparatus for electrically connecting at least a first ground wire to a grounding member, the clamping apparatus comprising: a bottom clamping member 14 comprising a bottom medial portion and a threaded hole on both sides of the bottom medial portion; a top clamping member 13 cooperating with the bottom clamping member and comprising a top medial portion aligned to cooperate with the bottom medial portion and corresponding holes on either side of a top medial portion that correspond to, and are slightly larger in diameter than, the threaded holes to allow a screw (16, 17) to pass through each hole in the top clamping member and thread into the corresponding threaded hole in the bottom clamping member, thereby providing a clamping action around the ground member between the top and bottom clamping members when the screws are tightened, and an integral fixed trough 15 including a set screw passing toward conduit 12 to hold cable 11 parallel to the conduit.

Mooney does not disclose that the wire is pressed against the sidewall and the set screw axis intersects the first screw axis.

Reichman discloses a trough comprising a base wall 23 and a first and second side walls (26, 27), where the set screw passes from a side wall of the trough to hold the cable parallel to the conduit. Meinhardt discloses a trough where the set screw passed downward toward the conduit to hold the cable crosswise to the conduit. Churla discloses a trough including set screw passing through a sidewall of the trough to hold the cable crosswise to the conduit. At the time of the invention, it would have been obvious to configure the integral Mooney trough and set screw as desired regarding whether the screw is directed from a top wall or sidewall and regarding whether the cable is directed parallel to the conduit or perpendicular to the conduit, as taught in Reichman, Meinhardt, Mooney, and Churla. Such variations in the configurations of the trough and set screw would have been a matter of engineering design choice, being a rearrangement of parts without patentable significance. See In re In re Harza, 124 USPQ 378 (CCPA 1960), In re Japikse, 86 USPQ 70 (CCPA 1960).

Per claim 13, one or both of the top and bottom medial portions are crowned in a direction away from the respective other medial portion to create an opening between the top and bottom clamping members for accommodating the grounding member.

Per claim 17, the Mooney/Reichman trough is capable of accommodating an additional second ground wire laid-in along side the first ground wire in the trough, said first and second ground wires being mechanically and electrically connected by the clamping pressure of set screw.

Claims 18-22, 24, 26, and 27 are rejected for the reasons pertaining to claims 9, 11-13, 17.

Claims 14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mooney, Reichman, Meinhardt, and Churla as in claims 13 and 18 in view of Bondeson. Mooney does not show serrations. Bondeson discloses serrations 17. At the time of the invention, it would have been obvious to include serrations on the Mooney clamps as taught in Bondeson. The suggestion or motivation for doing so would have been to improve the grip of the clamp on the grounding conduit as taught in Bondeson.

Claims 16 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mooney, Reichman, Meinhardt, and Churla as in claims 9 and 18 in view of Shemtov. Reichman arguably does not use a wedge. Shemtov discloses wedge 33. At the time of the invention, it would have been obvious to include a wedge on the Reichman screw as taught in Shemtov. The suggestion or motivation for doing so would have been to better secure the ground wire as taught in Shemtov.

Claims 15 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mooney, Reichman, Meinhardt, and Churla as in claims 13 and 18 in view of Perera. Reichman does not use a rounded screw end. Perera discloses a set screw with a rounded end 34. At the time of the invention, it would have been obvious to modify the Reichman screw end to optimize the contact between the wire and the clamping device, such as by using a rounded screw end as taught in Perera. For

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example the Perera screw end is useful for use on insulated wire to pierce the insulation on the wire.

Response to Arguments

Applicant's arguments have been considered. Applicant argues that *In re Japikse*, 86 USPQ 70 (CCPA 1960) and *In re Harza*, 124 USPQ 378 (CCPA 1960) are in applicable. The examiner disagrees. Both *In re Harza*, 124 USPQ 378 (CCPA 1960) and *In re Japikse*, 86 USPQ 70 (CCPA 1960) stand for the general proposition that some changes and modifications (such as minor rearrangements of structures or duplications of structures) are minor enough such that they are not patentably significant. That is the case here, with respect to considering the orientation of the claimed trough in comparison with the arrangement of the trough as taught in Mooney and the remaining cited prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross Gushi whose telephone number is (571) 272-2005. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached at 571-272-2800 extension 33. The phone number for the Group's facsimile is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ROSS GUSHI
PRIMARY EXAMINER

